

REMARKS

The Applicant thanks the Examiner for the careful consideration of this application. Claims 2-9, 11, and 13-18 are currently pending. Claims 2-9, and 11 have been amended to place them in better compliance with United States patent practice. Claims 1, 10, and 12 have been cancelled, without prejudice. New claims 13-18 have been added. Based on the foregoing amendments and the following remarks, the Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Claim Rejections Under 35 U.S.C. § 112

The Office Action rejected claims 3-4, and 9-12 under 35 U.S.C. § 112, second paragraph, as being indefinite. Except as noted below, the claims have been amended, where appropriate, to overcome this rejection.

With respect to claims 3 and 4, the Examiner stated that “[c]laims 3 and 4 further limit one of the alternatives for the ultrasonic head listed in claim 1, from which they depend. However, the claims are indefinite as they fail to limit the other selection provided in claim 1.” The Applicant respectfully disagrees that claim 3 applies to only one of the alternatives listed in claim 1 (now claim 13). Rather, the Applicant submits that claim 3 applies to both of the alternatives listed in claim 1 (now claim 13). The Examiner’s attention is respectfully directed to the embodiment of FIG. 10, and the accompanying description in paragraph 73. Claim 4 has been amended to incorporate the Examiner’s suggested language. The Applicant respectfully

requests that these rejections be withdrawn.

Claim Rejections Under 35 U.S.C. § 103

The Office Action rejected claims 1-3, 5, 10, and 12 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,266,983 to Takada et al. The Examiner stated that “[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the system of Takada et al. to test a flat conductor cable instead of the steel strip disclosed as the system of Takada et al. works equally well with any strip which can be placed in a water bath.” The Applicant respectfully traverses this rejection.

Independent claims 1 and 10 have been cancelled, without prejudice, and replaced with new independent claims 13 and 14, respectively. New independent claim 13 recites, *inter alia*, “[a] device for measuring at least one dimension of an extruded flat conductor cable, the device being located in a water bath downstream of an extruder, comprising: an ultrasonic head arranged in the water bath such that the flat conductor cable is guided with one of its flat sides essentially perpendicular across the ultrasonic head, the ultrasonic head being adapted to measure at least one dimension of the extruded flat conductor cable.” Similarly, new independent claim 14 recites, *inter alia*, “[a] method for measuring at least one dimension of an extruded flat conductor cable by measuring the flat conductor cable in a water bath after it leaves an extruder, comprising: . . . measuring the at least one dimension based on at least one reflected ultrasonic echo.”

Takada does not disclose or suggest a device or method for *measuring at least one dimension* of an extruded flat conductor cable. Rather, Takada is directed to a *flaw detecting method* and an apparatus suitable for *detecting flaws* in a steel sheet. (See, e.g., Takada at 1:9-16; 6:16-20.) One of ordinary skill in the art would not be motivated to use the flaw detecting apparatus of Takada to measure an extruded flat conductor cable. Moreover, the Applicant respectfully submits that the flaw detecting apparatus of Takada could *not* be used to measure the dimensions of an extruded flat conductor cable (e.g., the wall thickness of the insulation on both sides (top and bottom), the thickness of the insulation on both ends (left and right), and the distance between adjacent conductors).

In addition, Takada is non-analogous prior art to the claimed invention. In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned. *In re Oetiker*, 977 F.2d 1443, 1446 (Fed. Cir. 1992). Takada is directed to flaw detection in steel strips, which is a different field of endeavor from the present invention. In addition, Takada is not reasonably pertinent to measuring dimensions of an extruded flat conductor cable. Measuring dimensions of an extruded flat conductor cable involves much more precision than is required for simple flaw detection.

For the above reasons, the Applicant respectfully requests that this rejection be withdrawn.

Claims 4 and 11 stand rejected under 35 U.S.C. § 103 as being unpatentable over Takada

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in view of U.S. Patent No. 4,893,510 to Ichikawa et al. Claims 4 and 11 depend from claims 13 and 14, respectively, which, as demonstrated above, are patentable over Takada. Ichikawa, like Takada, does not disclose or suggest a device or method for measuring dimensions of an object. Rather, Ichikawa is directed to an apparatus for measuring the distribution of crystal grains in a metal sheet. (*See, e.g.*, Ichikawa at 1:8-17.) Therefore, Ichikawa does not remedy the deficiencies of Takada. Accordingly, the Applicant respectfully requests that this rejection be withdrawn.

Claims 8-9 stand rejected under 35 U.S.C. § 103 as being unpatentable over Takada in view of U.S. Patent No. 3,332,279 to Tompos et al. Claims 8 and 9 depend from claim 13, which, as demonstrated above, is patentable over Takada. Tompos, like Takada, does not disclose or suggest a device or method for measuring dimensions of an object. Rather, Tompos is directed to an apparatus for measuring the moisture content of paper. (*See, e.g.*, Tompos at 1:15-42.) Therefore, Tompos does not remedy the deficiencies of Takada. Accordingly, the Applicant respectfully requests that this rejection be withdrawn.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. The Applicant, therefore, respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. The Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of

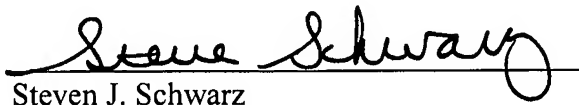
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this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

Dated: March 15, 2006

A handwritten signature in cursive script, reading "Steven J. Schwarz", is written over a horizontal line.

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